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-and-

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Attorneys for Setech, Inc.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

	X	
IN RE:	:	Chapter 11
	:	
DELPHI CORPORATION, <i>et al.</i> ,	:	Case No. 05-44481 (RDD)
	:	
Debtors.	:	(Jointly Administered)
	X	
DELPHI CORPORATION, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	Adv. Proc. No. 07-02619 (RDD)
	:	
Against	:	
	:	
SETECH INC. and SETECH,	:	
	:	
Defendants.	:	
	X	

NOTICE OF PARTIAL WITHDRAWAL

Please take notice that Setech, Inc. (“Setech”) respectfully WITHDRAWS its Motion to Dismiss filed May 14, 2010 (the “Setech Motion to Dismiss”) and the Declaration of Richard M. Eddinger (the “Eddinger Declaration”) filed in support of the Setech Motion to Dismiss¹ to the extent that such Motion and such Declaration seek dismissal of the Complaint on

¹ See Main Case Docket Nos. 20094, 20097, and 20099; Adv. Proc. Docket Nos. 31-33.

the basis of factual defenses appropriately resolved in connection with trial or motions for summary judgment. Therefore, Setech hereby withdraws the parts of the Setech Motion to Dismiss and the Eddinger Declaration that are based upon the “Conduit Theory” or “Ordinary Course of Business” fact-based defenses. Accordingly, Section I.A.2. of the Setech Motion to Dismiss and ¶¶ 15-23 of the Eddinger Declaration, and any tandem repetition of Declaration ¶¶ 15-23 in the Setech Motion to Dismiss, are hereby withdrawn.

Setech will address all claims based upon the “Conduit Theory” or “Ordinary Course of Business” fact-based defenses at the appropriate time in connection with a separate summary judgment motion, or at trial. The Setech Motion to Dismiss and the Eddinger Declaration remain of record and pending to the extent not hereby specifically withdrawn.

Date: September 3, 2010

Respectfully submitted,

/s/ Madison L. Martin

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Withdrawal has been served electronically upon all parties accepting electronic service, this 3rd day of September, 2010.

/s/ Madison L. Martin

Madison L. Martin